



PATENT
Docket No. TC 2002.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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By: [Signature] Oscar Guillen

In re Application for:

ROSS, Reynolds Paul, et al.

Serial No.: 09/720,382

Filing Date: March 7, 2001

For: A SPRAY-DRIED BACTERIOCIN
POWDER WITH ANTI-MICROBIAL
ACTIVITY

Examiner: Hendricks, Keith

Group Art Unit: 1761

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TC 1700

**PRELIMINARY AMENDMENT FILED CONCURRENTLY
WITH REQUEST FOR CONTINUED EXAMINATION (RCE) APPLICATION**

Commissioner of Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in connection with the Request for Continuing Examination (RCE) application filed today, October 22, 2003. This Preliminary Amendment is responsive to the rejections set forth in the Final Office Action issued by the U.S. Patent and Trademark Office on November 25, 2002 and the Advisory Action issued on June 11, 2003.

Applicants filed an initial response (and Petition for a Three Month Extension of Time) to the Final Office Action on April 25, 2003. On May 16, 2003, the Office indicated that the reply filed April 23, 2003, was deemed non-responsive. On May 22, 2003, Applicants refiled the response with an additional one month extension of

time and Notice of Appeal, thereby extending the pendency of the application to July 22, 2003. The July 22, 2003 deadline for filing a Brief on Appeal or taking other action is extendible up to December 22, 2003, upon the payment of extension fees. Enclosed with this RCE and Preliminary Amendment is a Petition for a Three Month Extension of Time and authorization to charge the fee due to the undersigned attorney's deposit account. In view of the filing of this Petition and payment of the fee, this application is currently pending. Accordingly, these papers are timely filed.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks begin on page 6 of this paper.